Application No.: 09/955,544
Attorney Docket No.: 57046-001US0
First Applicant's Name: Gregory John Litster
Application Filing Date: 17 September 2001
Office Action Dated: 19 January 2011
Date of Response: 19 July 2011
Examiner: Olabode Akintola

REMARKS

Claims 13-15 and 17-28 are currently pending.

By this amendment, claims 13 and 25 have been amended and no claims have been canceled.

New claims 26-28, fully supported by the originally-filed specification, have been added.

Rejection of Claims 13-15 and 17-25 under 35 U.S.C. § 103(a)

Claims 13-15 and 17-25 stand rejected under 35 U.S.C. § 103(a), as allegedly being rendered obvious by U.S. Patent No. 6,980,970 issued to Krueger et al. (hereinafter "Krueger"), in view of U.S. Patent No. 6,282,522 issued to Davis et al. (hereinafter "Davis"), and further in view of U.S. Patent No. 6,434,403 issued to Ausems et al. (hereinafter "Ausems").

The Office Action acknowledges that "Krueger and Davis do not explicitly teach the merchant providing the purchaser with a merchant identification and an amount to transact from the merchant" (Office Action, page 4, lines 11-12). However, Ausems is cited by the Examiner as allegedly teaching "this concept at col. 6, lines 41-44" (Office Action, page 4, line 13).

Ausems discloses a personal digital assistant ("PDA") telephone 100. The cited portion of Ausems states the following:

> For example, before proceeding to a checkout counter to purchase one or more items, the user may insert a smart credit or cash card into smart-card slot 155. While at the checkout counter the merchant initiates a high data rate wireless communication link with PDA telephone 100 via antenna 110 and smart-card engine 260. Smart-card engine 260 reads the card account information and transmits it to the point of sale terminal along with a user identification number. The terminal may then transmit information back to PDA telephone 100 indicating the charged amount, merchant ID, etc. Additionally, user confirmation signals may be transmitted back to the point of sale terminal.

(Ausems, column 6, lines 32-44)

Thus, the cited portion describes a point of sale terminal transmitting a merchant ID to the PDA telephone 100. However, Ausems is <u>completely silent</u> with respect to what, if anything, the PDA telephone 100 uses the merchant ID for.

The Office Action asserts "[t]herefore, it would have been obvious to one of ordinary skill

Application No.: 09/955,544
Attorney Docket No.: 57046-001US0
First Applicant's Name: Gregory John Litster
Application Filing Date: 17 September 2001
Office Action Dated: 19 January 2011
Date of Response: 19 July 2011
Examiner: Olabode Akintola

in the art at the time of the invention to include this information as part of a confirmation process"
(Office Action, page 4, lines 13-15). However, Ausems explicitly teaches transmitting the
merchant ID to the PDA telephone 100 **after** the credit card has been charged. Therefore, the
purpose of such a confirmation process is unclear. The user confirmation signals mentioned in the
cited portion of Ausems appear to acknowledge receipt of the information transmitted by the point
of sale terminal. Further, even if the PDA telephone 100 were to transmit the merchant ID back to
the point of sale terminal (which has been mapped to the merchant, <u>not</u> the VCT gateway), the
PDA telephone 100 would be doing so <u>after</u> the credit card has been charged.

Amended independent claim 13 recites a VCT gateway sends a transaction number to a
merchant. The merchant provides a purchaser with the transaction number, a merchant
identification, and a transaction amount. A VCT gateway receives a VCT transaction request <u>from</u>
<u>the purchaser</u> that comprises the transaction number, the <u>merchant identification</u>, and details of
credit card means entered into a virtual credit card terminal by the purchaser. Claim 13 also
recites <u>determining whether the merchant identification of the VCT transaction request received</u>
<u>by the VCT gateway identifies the merchant to which the transaction number was sent by the VCT</u>
<u>gateway</u>. When it is determined that the merchant identification of the VCT transaction request
received by the VCT gateway identifies the merchant to which the transaction number was sent by
the VCT gateway, the VCT gateway processes the VCT transaction request to facilitate formation
of a bank transaction request. Support for the amendments is found throughout the originally-filed
specification and, in particular, see page 14, line 10, through page 15, line 12.

Thus, claim 13 recites the purchaser sends the merchant identification <u>to the VCT gateway</u>.
In contrast, Ausems teaches the merchant ID is transmitted by the point of sale terminal to the
PDA telephone 100. Although not disclosed by Ausems, even if one were to assume the PDA
telephone 100 transmits the merchant ID back to the point of sale terminal, such a transmission is
to the <u>merchant</u> and <u>not to the VCT gateway</u> as recited in claim 13. Further, claim 13 recites
sending the bank transaction request from the VCT gateway to a bank <u>after</u> the purchaser sends the
merchant identification to the VCT gateway. In contrast, Ausems teaches the point of sale
terminal transmits the merchant ID to the PDA telephone 100 **after** the credit card has been

Application No.: 09/955,544
Attorney Docket No.: 57046-001US0
First Applicant's Name: Gregory John Litster
Application Filing Date: 17 September 2001
Office Action Dated: 19 January 2011
Date of Response: 19 July 2011
Examiner: Olabode Akintola

charged. For at least the reasons discussed above, Krueger, Davis, and Ausems, alone and in hypothetical combination, fail to render obvious claim 13 and claims 14, 15, and 17-24 that depend from claim 13.

Amended independent claim 25 recites a method performed by a VCT gateway. Support for the amendments is found throughout the originally-filed specification including as cited above for the analogous claim 13 amendments. The method includes sending a transaction number to the merchant computing device, which provides the transaction number, a merchant identification code, and a transaction amount to a purchaser computing device. The method also includes receiving a VCT transaction request from the purchaser computing device. The VCT transaction request comprises the transaction number, the merchant identification code, the transaction amount, and payment information received by the purchaser computing device from the credit card reader. The payment information is associated with an account. In response to the VCT transaction request, the VCT gateway determines whether the merchant identification code of the VCT transaction request identifies the merchant associated with the merchant computing device to which the transaction number was sent. When the merchant identification code of the VCT transaction request identifies the merchant associated with the merchant computing device to which the transaction number was sent, the VCT gateway sends a payment approval request to the financial institution requesting approval to charge the transaction amount to the account associated with the payment information.

As explained above, Ausems fails to teach or suggest that the VCT gateway receives the merchant identification code from the purchaser computing device. Likewise, Ausems fails to teach or suggest the VCT gateway sends a payment approval request to the financial institution after receiving the merchant identification code from the purchaser computing device. Thus, for at least the reasons discussed above, Krueger, Davis, and Ausems, alone and in hypothetical combination, fail to render obvious claim 25 and claims 26-28 that depend from claim 25.

Application No.: 09/955,544
Attorney Docket No.: 57046-001US0
First Applicant's Name: Gregory John Litster
Application Filing Date: 17 September 2001
Office Action Dated: 19 January 2011
Date of Response: 19 July 2011
Examiner: Olabode Akintola

In conclusion

Applicants contend that all claims are allowable. The Examiner is encouraged to phone

Applicants' attorney, Barry L. Davison, to resolve any outstanding issues and expedite allowance

of this application.

Davis Wright Tremaine LLP	Respectfully submitted,
1201 Third Avenue, Suite 2200	Gregory John Litster et al.
Seattle, Washington 98101-3045	Davis Wright Tremaine LLP
Telephone: 206-757-8023	
Fax: 206-757-7023	/Barry L. Davison, Ph.D., J.D./
	Barry L. Davison, Ph.D., J.D.
	Attorney for Applicant
	Registration No. 47,309